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#7

In re Application of :
Mark Moebus : DECISION ON
Application No.: 09/890,511 :
PCT No.: PCT/EP00/01359 : RENEWED PETITION
Int. Filing Date: 18 February 2000 :
Priority Date: 27 December 1999 : UNDER 37 CFR 1.181
Attorney's Docket No.: 0412-101P :
For: PANEL WITH SLIP-ON PROFILE :

This decision is responsive to applicants' "Renewed Petition Under 37 CFR 1.181" filed 13 November 2002 and the "Supplement to Renewed Petition Under 37 CFR 1.181" faxed on 29 April 2003 requesting that the Notification of Abandonment mailed 29 May 2002, be withdrawn because the Notification of Missing Requirements was never received.

BACKGROUND

In a decision from this Office on 20 September 2002, the petition filed on 02 July 2002 was dismissed. The decision indicated that petitioner had not complied with the requirements set forth in section 711.03(c) because a copy of the docket showing the replies docketed for a date of one month from the mail date of the nonreceived Office action had not been submitted.

On 13 November 2002 and 29 April 2003 petitioner submitted a renewed petition and a supplement to renewed petition under 37 CFR 1.181.

DISCUSSION

A review of the renewed petition reveals that petitioner has not still complied with the requirements set forth in section 711.03(c), which requires a copy of the docket record where the nonreceived Office communication would have been entered had it been received and docketed and a tickler sheet for 14 November 2001.

Petitioner has submitted docket entries for the month of September 2001, the time period in which supposedly the non-received document would have been expected to arrive in petitioner's office and docketed, and petitioner indicates that only a single call-up date for 11-14-01 (the date to response to the Office action) was found for the month of September. However, since the date of mailing of the Office action was September 14, 2001, three days after

September 11, 2001 (the terrorist attacks on the World Trade Center) and since no planes were flying at that time it could have taken the Office action longer than the two weeks from September 14, 2001 to reach petitioner's Office. Therefore, petitioner must also submit the docket entries of October 1, 2001 until November 14, 2001 and include the call-up date for action for the date of November 14, 2001 (i.e., tickler sheet for November 14, 2001) in that time period in order to establish a showing of nonreceipt of the Office action from the USPTO.

Accordingly, petitioner has still not met the requirements under MPEP section 711.03(c) to establish nonreceipt of an Office action, and the withdrawal of abandonment of the above captioned- application at this time is not appropriate.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The above-captioned application still remains **ABANDONED**.

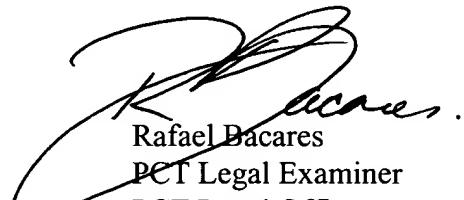
If reconsideration of the merits of the petition under 37 CFR 1.181 is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of this letter marked to the attention of the PCT Legal Office.

Applicant is advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence with respect to this matter deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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